

Chapter 5

When and Where to File Reports

This chapter reviews when and where committees file reports disclosing receipts and expenditures. Most candidates and committees will use the Recipient Committee Campaign Statement (Form 460). Primarily formed committees may be eligible to use the Recipient Committee Campaign Statement—Short Form (Form 450) or the Semi-Annual Statement of No Activity (Form 425). (Also see Chapter 7 for additional special reports that may be required.)

Candidates and officeholders without a committee should consult Chapter 4, Officeholder/Candidate Campaign Statement—Short Form (Form 470), to determine whether a report is due and, if so, when and where to file.

All reports and statements filed under the Political Reform Act are public records open for public inspection.

When to File

The law sets specific deadlines for when Forms 460, 450, and 425 must be filed. Most campaign committees file two semi-annual statements each year. When an individual is listed on a ballot, and when a committee is raising or spending money in connection with an election, preelection statements also are required.

Many filing officers provide candidates and committees with an election packet that includes the dates for filing campaign statements. In addition, filing deadlines for certain local elections may be obtained online at www.fppc.ca.gov. (Click onto “Candidates and Committees,” then click onto “Filing Deadlines.”) The filing deadlines found on the Commission’s website will not include any special filings required under a local ordinance. For this information, contact the local filing officer. The committee

treasurer is responsible for meeting all applicable filing deadlines. Filing officers are not required to send a reminder notice prior to the filing deadline.

Deadlines that fall on a Saturday, Sunday, or official state holiday are extended to the next business day. **This rule does not apply to late contribution reports and late independent expenditure reports discussed in Chapter 7, and there are no other provisions for extensions.** Filing after a deadline may lead to late filing penalties of \$10 for each day the statement is late, and committees that fail to file are subject to administrative penalties of up to \$5,000 per violation. Except where noted, statements must be hand delivered or postmarked as first-class mail, by the due date.

Judges and Unpaid Elected Officeholders

Unpaid officeholders (defined in the Act as those who receive less than \$200 per month for serving in office), judges, and judicial candidates are not required to file semi-annual statements during any six-month period in which they have not received or made any contributions or expenditures. This is also true for election committees controlled by unpaid officeholders, judges and judicial candidates.

To determine whether \$200 has been received, only the elected official’s fixed compensation for services (i.e., salary) need be counted. Do not count payments for health benefits, reimbursement of expenses (including travel expenses), or per diem received from the elected official’s agency.

Semi-Annual Statements

Most committees file a semi-annual statement for each half of the year, whether

or not they receive contributions or make expenditures during the six-month period. An existing committee or a committee newly formed during the first six months of the year will have a semi-annual statement due July 31 for the period January 1 - June 30.

An existing committee will have a semi-annual statement due January 31 of the following year for the period July 1 – December 31. A committee newly formed during the last six months of the year will have a semi-annual statement due January 31 of the following year for the period January 1 - December 31.

Examples *A county supervisor has a controlled committee. The supervisor receives over \$200 a month for serving in office. The supervisor is not seeking reelection and the committee did not raise or spend any funds during the calendar year. The committee must file a semi-annual statement covering the period January 1 through June 30, due on or before July 31, and a semi-annual statement covering the period July 1 through December 31, due by January 31.*

A primarily formed committee formed in May to support a candidate's election in November. The committee files a semi-annual statement for the period January 1 through June 30, due July 31. Preelection statements are due in October, in addition to a semi-annual statement due in January of the following year. (Some local jurisdictions have additional filing requirements.) The committee must file semi-annual reports until it terminates.

Preelection Statements

In addition to semi-annual statements, controlled committees and primarily formed committees will file preelection statements before the election in which the candidate is listed on the ballot.

For specific reporting periods and filing deadlines, contact the local filing officer.

The second preelection statement must be filed by personal delivery or guaranteed overnight delivery.

Candidates who will not appear on the ballot because they are running unopposed are not required to file preelection statements.

Recall Elections

A committee established by an officeholder who is the subject of a recall election must file campaign statements (Form 460) on a quarterly schedule until the semi-annual period in which the recall election is held. The quarterly filing schedule is:

Period Covered	Filing Deadline
January 1 - March 31	April 30
April 1 - June 30	July 31
July 1 - September 30	October 31
October 1 - December 31	January 31

During the semi-annual period in which the recall election is held, the committee must file two pre-election statements and a semi-annual statement on the schedule provided by the filing officer.

Example *District Attorney Don Williams is the subject of a recall election being held in September. In March, he formed a separate committee to oppose the recall. The committee must file quarterly statements on April 30 and July 31. During the period July 1 through December 31, the committee must file two pre-election statements in connection with the election, and a semi-annual statement for the period ending December 31, due on January 31 of the following year. After the January 31 filing, the committee will file semi-annual statements until it is terminated.*

Amendments

Except for amendments required to provide contributor information (see Chapter 1), there is no deadline for filing amendments to campaign reports. However, amendments should be filed as soon as practicable in the same location(s) as the original.

Faxing Statements

Campaign statements that contain 30 pages or less may be faxed provided that the faxed copy of the campaign statement is the exact copy of the original version. However, the original document, with an original signature, must still be sent by first-class mail, guaranteed overnight delivery, or personal delivery within 24 hours of the filing deadline.

Where to File

Candidates, controlled committees and primarily formed committees file statements based on the office sought by the candidate.

An “original” campaign statement is one containing the original signature of the officeholder or candidate, and/or treasurer or assistant treasurer.



The county of domicile for a candidate is the county where the candidate maintains his or her permanent residence. A committee is domiciled at the address listed on its statement of organization. When a candidate is domiciled in a different county than his or her controlled committee, copies of campaign statements must be filed in each county of domicile.

Multiple Controlled Committees

When a candidate or officeholder controls more than one committee, whether the committees are formed for different elections to the same office or for a different office within the **same jurisdiction**, all committees must file statements each time any committee statement is due.

Forms 460, 470, 425, 450	Filing Officers	What
Superior Court Superior court judges, candidates for superior court judge, their controlled committees, and primarily formed committees:	Secretary of State County with the largest number of registered voters in the jurisdiction affected (also county of domicile, if different)	Original & 1 copy 2 copies
Multi-County Offices Elected officers in local agencies that have jurisdiction in two or more counties, candidates for these offices, their controlled committees, and primarily formed committees:	County with the largest number of registered voters in the jurisdiction affected County of domicile, if different from above	Original & 1 copy 2 copies
County Offices Elected county officers, candidates for these offices, their controlled committees, and primarily formed committees:	County Clerk County of domicile, if different from above	Original & 1 copy 2 copies
City Offices Elected city officers, candidates for these offices, their controlled committees, and primarily formed committees:	City Clerk	Original & 1 copy

When an elected officeholder in one jurisdiction runs for an office in **another jurisdiction**, the officeholder and all committees he or she controls file originally-signed campaign disclosure statements with the filing officer in the jurisdiction in which the officeholder holds office **and** the jurisdiction in which the officeholder is seeking office.

Example *Nels Nelson controls a committee for his election to the Beach County School Board. In addition, Nels formed a committee to run for mayor of Playa del Sol in a June election. As an incumbent school board member and a candidate for mayor, he files campaign statements for both committees with the following filing officers in connection with the June election:*

- *School Board committee files an original and one copy of the Form 460 with:*
County Clerk, Beach County
City Clerk, Playa del Sol
- *Mayoral committee files an original and one copy of the Form 460 with:*
City Clerk, Playa del Sol
County Clerk, Beach County

An officeholder who does not have a controlled committee may file the Form 470 by July 31 for the position held. If the officeholder subsequently opens a committee to run for a different office, he or she must file the Form 460 for the required preelection and semi-annual statements. Since the Form 470 was filed in connection with a position for which the candidate does not have a committee, a Form 470 Supplement is not required. (See Chapter 4.) However, if the officeholder opens a committee prior to June 30 for election to a different office, the Form 460 must be filed by July 31 for both the position held and the office sought. The officeholder may file one Form 460 and list both the position held and the office sought on the Cover Page, Part 5.

Controlled Ballot Measure Committees

Some officeholders and candidates also control ballot measure committees. Dates and locations for filing statements for these controlled ballot measure committees vary depending on whether the committee is a **general purpose** ballot measure committee or one that is **primarily formed** to support or oppose a particular ballot measure or measures. (See FPPC's manual for ballot measure committees.)

State Primarily Formed Ballot Measure Committees

Controlled state ballot measure committees are only required to file statements when and where state ballot measure committees are normally required to file; committees controlled by the officeholder or candidate to support their election to office are not required to file in connection with the ballot measure committee schedule.

Local Primarily Formed Ballot Measure Committees

Controlled local ballot measure committees should file according to the filing schedule provided by their local filing officer. In addition, these committees file at the same times and places the controlling officeholder or candidate is required to file campaign statements in connection with the office he or she is seeking. The candidate's controlled election committee is not required to file on the ballot measure committee schedule if he or she is not also being voted on in the election.

General Purpose Ballot Measure Committees

In addition to any other times provided by law, controlled general purpose ballot measure committees are required to file preelection statements whenever the controlling officeholder or candidate is required to file these statements in

connection with an election to office. In addition to filing with the committee's filing officers, an original and one copy of the ballot measure committee's statement is filed where the officeholder or candidate files his or her semi-annual and preelection statements for election to office.

Example *Teddy Graham has a committee to run for reelection to the city council for the city of Playa del Sol. In addition, Teddy controls a state general purpose ballot measure committee, domiciled in Beach County, that supports measures throughout the state dealing with shoreline protection. On the due date for the first preelection statement required for his reelection race, Teddy will file the following:*

- *Reelection Committee will file the Form 460 with:*
 - *City Clerk, Playa del Sol*
Original and one copy
- *Ballot Measure Committee will file the Form 460 with:*
 - *Secretary of State*
Original and one copy
 - *Registrar/Los Angeles County*
Two copies
 - *Registrar/San Francisco*
Two copies
 - *Beach County Clerk*
Two copies
 - *City Clerk, Playa del Sol*
Original and one copy

Answering Your Questions

Q. I am currently a city council member without a committee. I intend to run for the school board in the November election and will open a committee in July for the school board race. What are my reporting obligations?

- A. Because you **intend** to have a committee during that calendar year, file Form 460 for your city council position with your city clerk by July 31 for the first six months of the calendar year. By the first preelection deadline for the school board race, file an originally-signed Form 460, as well as a copy, with **both** the city clerk and county registrar of voters in your county. On the Form 460, indicate the office you are seeking **as well as** the office you hold. You may wish to note on the form that you do not have a committee for your city council seat nor a bank account. You also must file a Statement of Organization (Form 410) within 10 days of receiving contributions of \$1,000 or more.*
- Q. In June, I was elected to the city council. After filing the semi-annual statement due on July 31, I paid off remaining bills and terminated my committee in August by filing a terminating Form 460. I will not engage in any further campaign activities. Am I required to file another Form 460 by January 31 of the following year as a semi-annual statement?*
- A. As an elected officer, you must file semi-annual statements each year. You may designate the Form 460 you file in August as a terminating statement and a semi-annual statement. However, if you subsequently receive any contributions or make any expenditures through December 31, file an amendment to your statement including the new information no later than January 31 of the following year. Remember that as an elected officeholder, if you receive \$200 or more in a calendar month for your elected position, you will be required to file the Form 470 by July 31 every year, even though you have terminated your committee.*

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

- 81004 *Reports and Statements; Perjury; Verification.*
- 81004.5 *Reports and Statements; Amendments.*
- 81007 *Mailing of Report or Statement.*
- 81007.5 *Faxing of Report or Statement.*
- 81008 *Public Records; Inspection; Reproduction; Time; Charges.*
- 82027 *Filing Officer.*
- 83116 *Violation of Title.*
- 84200 *Semi-Annual Statements.*
- 84200.3 *Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year.*
- 84200.4 *Time for Filing Reports Pursuant to Section 84200.3.*
- 84200.5 *Preelection Statements.*
- 84200.7 *Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year.*
- 84200.8 *Time for Filing Preelection Statements for Elections Not Held in June or November of an Even-Numbered Year.*
- 84209 *Consolidated Statements.*
- 84215 *Campaign Reports and Statements; Where to File.*
- 91013 *Late Filing of Statement or Report; Fees.*

Title 2 Regulations

- 18116 *Reports and Statements; Filing Date.*
- 18426 *Semi-Annual Statement Early Filing.*
- 18531.5 *Recall Elections.*